

United States Court of Appeals For the First Circuit

No. 19-1187

ROLANDO PENATE,

Plaintiff, Appellee,

v.

JAMES HANCHETT,

Defendant, Appellant,

ANNE KACZMAREK; KRIS FOSTER; RANDALL E. RAVITZ; JOSEPH BALLOU;
ROBERT IRWIN; RANDY THOMAS; SONJA FARAK; SHARON SALEM; JULIE NASSIF;
LINDA HAN; ESTATE OF KEVIN BURNHAM; STEVEN KENT; JOHN WADLEGGER;
GREGG BIGDA; EDWARD KALISH; and CITY OF SPRINGFIELD,

Defendants.

JUDGMENT

Entered: December 13, 2019

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's order denying James Hanchett's motion to dismiss the 42 U.S.C. § 1983 claim is reversed, and the district court is directed to dismiss that claim. The district court's denial of James Hanchett's motion to dismiss the intentional infliction of emotional distress state law claim is vacated, and the matter is remanded for further proceedings consistent with the opinion issued this day. No costs are awarded.

By the Court:

Maria R. Hamilton, Clerk

cc:
Hon. Katherine Anne Robertson

Robert Farrell, Clerk, United States District Court for the District of Massachusetts
Luke S. Ryan
Adam J. Hornstine
Joshua David Jacobson
David H. Rich
Maria T. Davis
George A. Berman
Allen N. David
Steven E. DiCairano
Daniel Joseph Moynihan Jr.
Timothy M. Burke
Jared Samuel Burke
Joseph P. Kittredge
Lorena Galvez
Andrew Joseph Gambaccini
Edward M. Pikula
Lisa Caryl deSousa
Kevin B. Coyle